IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE M.N.KRISHNAN

MONDAY, THE 12TH NOVEMBER 2007 / 21ST KARTHIKA 1929

WP(C).No. 33301 of 2007(M)

AGAINST THE ORDER IN IA 1440/2007 IN
OS.351/2001 of Munsiff's COURT, MAVELIKKARA

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PETITIONER:

SARAMMA SAM KOSHY,PARAYIRIKKUNNATHIL
KIDAGANNOOR P.O.,MEZHUVELLY MURI,
KIDANGANNOOR VILLAGE,KOZHENCHERRY TALUK,
PATHANAMTHITTA,NOW RESIDING VILANILATHU,
PANNIVIZHA, ADOOR, PATHANAMTHITTA.

BY ADV. SRI.R.KRISHNA RAJ

RESPONDENTS:

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1. LEELAMMA THOMAS,MALAYIL KIZHAKKETHIL
ANIL VILLA,KUNNAM P.O.,
THAZHAKKARA VILLEGE ,MAVELIKKARA.

2. M.VARGHEESE,MEMANATHU KIZHAKKETHIL
ANANDAPPALLY, ADOOR,PATHANAMTHITTA.

3. ANITHA BINOY,
MEMANATHU KIZHAKKETHIL
ANANDAPPALLY, ADOOR,PATHANAMTHITTA.

4. KOSHY P.JOHN,
PAYNUMMOTTIL VADAKKETHIL
KUNNAM,THAZHEKKARA VILLAGE
MAVELIKKARA.

5. EASO KURAIN, ANIL VILLA
KUNNAM,THAZHEKKARA VILLAGE MAVELIKKARA.

6. SUSAMMA STEPHEN
VALUPARAMBIL,
KUNNAM,THAZHEKKARA VILLAGE MAVELIKKARA.

7. SAM VARGHESE
(MANAGING DIRECTOR-CUM-MANAGER,NADAVALLIL FINANCIERS) RESIDING AT NANDAVALLIL HOUSE
KUNNAM,THAZHEKKARA VILLAGE MAVELIKKARA.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 12/11/2007 , THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

M.N.Krishnan, J.

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W.P(C).No.33301 of 2007

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Dated this the 12th day of November, 2007.

JUDGMENT

This Writ Petition is filed to direct the Subordinate Judge, Mavelikkara to consider and pass orders on I.A.No.1440 of 2007 in O.S.No.351 of 2001 before proceeding with the trial in O.S.No.351 of 2001. The writ petitioner has filed an application for setting the Commissioner's report as early as on 17.8.2001 and it is pending consideration. When an application for setting aside the Commissioner's plan and report is filed it is necessary that the court has to pass orders on that application before listing the matter and proceed with the trial.

2. Therefore, I direct the court below to dispose of I.A.No.1440 of 2007 before proceeding with the trial in the case. Till the said application is disposed of, a direction is to be given to defer the trial of the case. I do so.

Writ Petition is disposed of accordingly.

M.N.Krishnan,
Judge.

ess 13/11